

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

CHARLIE CHAD BARNES,)	
)	
Plaintiff,)	
)	No. 2:12-cv-0036
v.)	
)	Judge Sharp
WHITE COUNTY JAIL,)	Magistrate Judge Knowles
)	
Defendant.)	

ORDER

Pending before the Court is a Report and Recommendation (“R & R”) of the Magistrate Judge, recommending that this action be dismissed without prejudice. Specifically, the R & R provides,

The undersigned previously entered an Order on September 5, 2013 (Docket Entry No. 6), requiring Plaintiff to file with the Court a written explanation showing cause for his failure to serve Defendant within 120 days after filing of the Complaint pursuant to Fed.R.Civ.P. 4(m). The Order required Plaintiff to file such explanation within twenty (20) days of the date of entry of the Order, and it also stated in pertinent part, “If Plaintiff fails to comply with the provisions of this Order, the undersigned will recommend that this action be dismissed without prejudice.”

As of the date of the filing of this Report and Recommendation, Plaintiff has failed to comply with the Court’s previous Order. The Court also notes that the Order to Show Cause entered on September 5, 2013 (Docket Entry No. 6), has also been returned to the Clerk’s Office as “Not Deliverable as Address, Unable to Forward” and “Not Here.” According to the Order entered by the Honorable Kevin H. Sharp on May 8, 2012 (Docket Entry No. 3), “He is also forewarned that his prosecution of this action will be jeopardized should he fail to keep the Clerk’s Office informed of his current address.” Therefore, the undersigned recommends that this action be dismissed without prejudice.

(Docket Entry No. 10). No objections were made to the R & R.

Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the

magistrate judge with instructions.” Fed. R. Civ. P. 72(b). Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R.


Accordingly, the Court hereby rules as follows:

(1) The Report and Recommendation (Docket Entry No. 10) is hereby ACCEPTED and APPROVED; and

(2) Plaintiff Charlie Chad Barnes’s Complaint is hereby DISMISSED WITHOUT PREJUDICE.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

It is SO ORDERED.

A handwritten signature in black ink that reads "Kevin H. Sharp". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE